

**October 13, 2010**

*Draft TMDL Would Benefit Tidal States at Expense of New York, Place Costly and Unattainable Burdens on Local Communities, Farms and Taxpayers*

*New York's Already High Water Quality Should be Used as Example for Other States*

**WASHINGTON, DC**-Today, Senators Charles E. Schumer and Kirsten Gillibrand, along with Congressmen Michael Arcuri, Maurice Hinchey, Christopher Lee, Daniel Maffei, Scott Murphy, Bill Owens and Paul Tonko sent a letter to Administrator Lisa Jackson of the U.S. Environmental Protection Agency (EPA) expressing strong concerns over the requirements that would be placed on New York by the draft Chesapeake Bay Total Maximum Daily Load (TMDL) that EPA recently released.

"We are all strongly committed to the goal of restoring and ensuring the long-term health of the Chesapeake Bay ecosystem," the group wrote. "However, we believe that the draft TMDL allocations released by EPA place unattainable pollution reductions on New York and, if finalized, will jeopardize the economic well-being of communities within New York's Bay Watershed and the agricultural industry on which the entire state relies."

On September 24, EPA released a draft Chesapeake Bay TMDL regulation that would set limits on the amount of nitrogen, phosphorus and sediment pollution discharged into the Chesapeake Bay and its tributaries by various pollution sources. It calls for 25 percent reductions in nitrogen and phosphorus, averaged across the Bay Watershed that encompasses New York, Pennsylvania, West Virginia, Delaware, Maryland, Virginia and the District of Columbia. However, the draft TMDL would require even steeper reductions in nitrogen and phosphorus discharge in New York's portion of the watershed, which includes all or parts of Allegany, Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Herkimer, Livingston, Madison, Montgomery, Oneida, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Steuben, Tioga, Tompkins, and Yates counties.

New York State and local officials have said that making the reductions proposed by EPA for New York is not possible. Additionally, the New York State Department of Environmental Conservation (NYSDEC) has estimated that implementing the wastewater treatment plant upgrades and agricultural pollution controls programs that EPA's draft TMDL regulations would require, could cost the state and local taxpayers several billion dollars.

### **Additional Quotes by Letter Signers:**

**Senator Charles E. Schumer said,** "The bottom line is there is a way to clean up the Chesapeake and protect our economy, but the EPA's new proposal isn't it. It would unfairly penalize small business owners, family farmers and local governments who would pass the cost on to taxpayers. Protecting New York's water quality and the Chesapeake Bay is important, but should not be done at the expense of local communities. In tough economic times like these we need to do everything we can to create jobs, not drive them away. The EPA needs to go back to the drawing board and come up with a proposal that strikes the right balance."

**Senator Kristin Gillibrand, a member of the Senate Environment & Public Works Committee, said,** "Under the draft EPA proposal, New York State is bearing the brunt of the regulation and none of the benefits of a clean Chesapeake Bay. In fact, New York communities, farms and businesses have taken enormous steps over the years to improve water quality, but these proposed rules punish New York State. This is simply unfair and needs to change."

**Congressman Michael Arcuri said,** "If the entire Chesapeake Bay watershed had the same

water quality that the New York portion of the watershed currently has, the Bay would not be impaired. But rather than using New York's past successes - especially those with farmers to voluntarily adopt prescribed grazing, precision feeding and nutrient management plans - EPA's TMDL seeks to require additional, unattainable reductions that would be punitive to New York's farmers, taxpayers and communities."

**Congressman Maurice Hinchey said,** "I strongly support cleaning up the Chesapeake Bay. It has been a priority of mine for many years. However, the EPA's draft regulations are simply unattainable for New York. The EPA needs to take another look at this and establish a more equitable TMDL re-allocation, and the federal government needs to provide assistance to ensure that cash strapped local communities in NY are not adversely impacted by efforts to revitalize the bay."

**Congressman Chris Lee said,** "The draft EPA regulations will harm local New York economies and our critical agriculture sector. I share my colleagues' commitment to protecting the Chesapeake Bay and echo their concerns with the EPA's policy, which New York State and local officials both say is not feasible."

**Congressman Daniel Maffei said,** "New York has always been progressive in its restoration efforts, and we should not be punished for it. It is tremendously important to proceed with efforts to ensure the health of the Chesapeake Bay ecosystem; but New York's farmers should not be forced to bear a disproportionate burden of these unfair allocations."

**Congressman Scott Murphy said,** "Perhaps no state has been more committed to protecting its water supply than New York, which is why we have some of the cleanest water in the Chesapeake watershed. While we remain committed to doing our part to clean the

Chesapeake, a successful strategy will require EPA to work with us to develop reasonable standards, that are not only fair to New York famers and businesses, but also recognize our history of strong commitment to environmental protection."

**Congressman Bill Owens said,** "It is critical that the EPA take into account New York's record of success and leadership on water quality issues. We all support the goal of revitalizing the Chesapeake Bay, but we must do so in a way that is fair to local communities and family farmers. It is my hope that the EPA will exercise common sense in the regulatory process."

**Congressman Paul Tonko said,** "I support the goal of improving and revitalizing the Chesapeake Bay ecosystem, and I commend the EPA for continuing to make that goal a priority. But the recommendations in the draft TDML would place an unfair burden on New York State and the small communities in the watershed. I join my colleagues in asking the EPA to work on a more equitable solution."

[Click here to read the letter sent to EPA Administrator Jackson](#)